

Judge Louis Pollak

Judge Pollak was born on December 7, 1922 in New York City. Judge Pollak received a B.A. from Harvard University in 1943 and an LL.B. from Yale University in 1948. Judge Pollak served as law clerk to Justice Wiley B. Rutledge during the October 1948 Term of the United States Supreme Court. From 1955 through 1974, Judge Pollak was a member of the faculty of the Yale University Law School, and he served as Dean from 1965 to 1970. Judge Pollak was a member of the faculty of the University of Pennsylvania Law School from 1974 through 1978, serving as Dean from 1975 to 1978. Judge Pollak was sworn in as a member of the United States District Court for the Eastern District of Pennsylvania on September 8, 1978.

PRELIMINARY GENERAL MATTERS

1. Correspondence With the Court

Judge Pollak permits correspondence from counsel requesting scheduling accommodations, extensions, and similar matters.

2. Communication With Law Clerks

Provided opposing counsel is advised of the call, Judge Pollak considers calls to his law clerks on scheduling and similar housekeeping matters to be appropriate. Discussion of substantive matters (as, for example, an attempt to argue merits of a pending or anticipating motion) is not appropriate.

3. Telephone Conferences

Judge Pollak welcomes telephone conferences.

4. Oral Arguments and Evidentiary Hearings

Judge Pollak has not set aside particular days or times for oral arguments or evidentiary hearings.

5. Pro Hac Vice Admissions

Judge Pollak entertains both oral and written motions for *pro hac vice* admissions.

CIVIL CASES Pretrial Procedure

1. Pretrial Conferences

Judge Pollak regularly schedules status conferences, settlement conferences, and final pretrial conferences. At such conferences, Judge Pollak customarily addresses (1) discovery problems put in focus by submissions that have been previously filed, and (2) settlement possibilities if the matter is to be tried to a jury.

Continuances and Extensions

1. General Policy

Judge Pollak does not have a general policy concerning continuances and extensions.

2. Requests for Extensions and Continuances

Judge Pollak does not have a specific requirement as to how far in advance requests for extensions must be submitted. He prefers that extensions and continuances be sought by stipulation. If a stipulation is not entered into, Judge Pollak will accept either a letter or a motion.

General Motion Practice

1. Oral Argument on Motions

Judge Pollak virtually always hears argument, when requested, on dispositive motions. If he believes issues are substantial, he will, upon request, hear argument on non-dispositive motions.

2. Reply and Surreply Briefs

Judge Pollak has no formal policy concerning reply and surreply briefs.

3. Chambers Copies of Motion Papers

Judge Pollak prefers to receive courtesy copies of motion papers in his chambers.

Discovery Matters

1. Length of Discovery Period and Extensions

Judge Pollak relies in large measure, but not entirely, on the informed view of counsel as to the time that will be required for discovery in a particular case.

2. Discovery Conferences and Dispute Resolution

Judge Pollak will hold discovery conferences other than the usual Rule 16 conference, but generally he will not initiate them. Judge Pollak does permit telephone conferences to resolve discovery disputes that arise during depositions.

3. Confidentiality Agreements

Judge Pollak requests that stipulated confidentiality orders simple be submitted to him for consideration.

4. Expert Witnesses

Judge Pollak prefers that the parties exchange written expert reports and requires the parties to identify expert witnesses as early as feasible.

Settlement

In jury matters, Judge Pollak makes himself available to discuss settlement if all parties wish him to be involved. In non-jury matters, where the parties wish a judicial officer's involvement, he will refer settlement negotiations to a Magistrate Judge. Judge Pollak will not participate in settlement negotiations in non-jury cases unless the parties jointly persuade him that his participation will be of great importance in arriving at a resolution.

Injunctions

1. Scheduling and Expedited Discovery

Judge Pollak schedules preliminary and permanent injunction hearing as soon as required. He

urges the parties to establish their own expedited discovery regimen, but he will set a schedule if the parties cannot agree.

2. Proposed Findings of Fact and Conclusions of Law

Judge Pollak requires the parties to submit proposed findings of fact and conclusions of law prior to or at the injunction hearing, to be supplemented at the close of the hearing.

Trial Procedure

1. Scheduling of Cases

Judge Pollak generally places cases in the trial pool, but will use special listings for long cases, cases with many lawyers, cases with witnesses from far away, or other such cases that are difficult to get into court on brief notice, such as cases involving busy experts.

2. Conflicts of Counsel

Judge Pollak requests that counsel notify his deputy clerk promptly about professional and personal conflicts affecting the trial schedule.

3. Cases Involving Out-of-Town Parties or Witnesses

Judge Pollak will use special listings for cases involving out-of-town witnesses or parties.

4. Notetaking by Jurors

Judge Pollak favors notetaking by jurors, and he advises jurors that they have that entitlement.

5. Trial Briefs

Judge Pollak encourages the submission of trial briefs.

6. *Voir Dire*

In civil cases Judge Pollak presides at *voir dire* but permits counsel to conduct the general interrogation. In criminal cases, Judge Pollak provides and conducts the general interrogation.

When it is necessary to supplement the general *voir dire* with non-public interviews with individual prospective jurors, Judge Pollak asks the initial questions and then permits counsel to ask additional questions. The parties may be present at such interviews; but they may, if they so elect, waive the right to be present. Generally, such interviews take place in the jury room rather than in the courtroom. All phases of *voir dire* are conducted on the record.

7. *Side Bars*

Side-bar conferences are permissible but must be kept brief. If issues of any length need to be discussed, the jury will be excused.

8. *In Limine Motions*

In limine motions should be submitted several days in advance of trial.

9. *Examination of Witnesses Out of Sequence*

If an advance request is made, counsel are permitted to take witnesses out of turn for the convenience of the witnesses.

10. *Opening Statements and Summations*

Judge Pollak wishes to be apprised as to the expected length of opening statements and summations. Excessive length will be discouraged.

11. *Examination of Witnesses or Argument by More Than One Attorney*

For any given witness, only one attorney is to examine or to argue objections.

12. *Examination of Witnesses Beyond Redirect and Recross*

Examination beyond redirect and recross is permitted if such extended examination is needed and kept within reasonable bounds.

13. *Videotaped Testimony*

There are no general procedures or special practices concerning the use of videotaped testimony.

14. *Reading of Material Into the Record*

There are no general procedures or special practices concerning the reading of stipulations, pleadings, or discovery materials into the record.

15. *Preparation of Exhibits*

Exhibits are to be pre-marked and pre-exchanged. Counsel should provide the Court with one set of all trial exhibits.

16. Dispositive Motions

Dispositive motion - such as motions for judgement as a matter of law - should be in writing. Argument will be had where a motion appears to be more than *pro forma*.

17. Proposed Jury Instructions and Verdict Forms

A few days in advance of trial, counsel should submit proposed instructions (preferably on disc) and verdict forms. Supplemental submissions will be received if they are submitted early in the trial. Judge Pollak usually conducts a conference with counsel concerning proposed jury instructions.

18. Proposed Findings of Fact and Conclusions of Law

Judge Pollak prefers to have proposed findings of fact and conclusions of law at the outset of trial. Later supplementation (at the close of the trial, or in a complex matter, after the trial) will be received as necessary.

Jury Deliberations

1. Written Jury Instructions

Judge Pollak routinely gives the jury a copy of his instructions.

2. Exhibits in the Jury Room

Judge Pollak generally permits all exhibits to accompany the jury to the jury room.

3. Handling of Jury Requests to Read Back Testimony or Replay Tapes

Judge Pollak permits testimony to be read back, or tape recordings or videotapes to be replayed, where the jurors identify what is requested with reasonable precision.

4. Availability of Counsel During Deliberations

Judge Pollak permits counsel to return to their offices and be available on telephone notice while the jury is deliberating.

5. Polling the Jury

Judge Pollak generally polls the jury himself without waiting for a request from counsel.

6. Interviewing the Jury

Judge Pollak permits counsel to interview jurors after the verdict has been recorded and the jury discharged. He instructs the jurors that they may talk to anyone about the case they have heard, but that they are under no obligation to do so.

CRIMINAL CASES

1. Pretrial Conferences

Judge Pollak generally holds a "pre-call conference," before motions are due. The primary purposes of the conference are to identify potentially emergent problems and to schedule a date certain for trial.

2. Sentencing Memoranda

Judge Pollak does not require sentencing memoranda, but he welcomes them. Such memoranda are particularly important when counsel disagree with the Probation Office's (1) recitals of fact or (2) calculations of what the sentencing guidelines call for.